



GARY R. HERBERT  
*Governor*  
SPENCER J. COX  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER  
*Executive Director*

KENT L. JONES  
*State Engineer/Division Director*

Clover Flat Irrigation Company  
c/o Mr. Tim Westwood  
PO Box 120039  
Antimony, UT 84712-0039

Re: Black Irrigation Pipeline

August 30, 2016

Water Users:

Enclosed is a formal Notice from the State Engineer's Office explaining that Clover Flat Irrigation Company's Black Irrigation Pipeline needs a measuring device before **October 8, 2016**.

You are receiving the Notice because the State Engineer's records indicate you are the President of Clover Flat Irrigation Co, which owns water rights in the Black Irrigation Pipeline.

Should you wish to discuss the required repairs or have any questions about this Notice, please feel free to call me at (801) 538-7431.

Regards,

Sue Odekirk, P.E.  
Distribution Engineer

CC:

Kirk Forbush, Southern Regional Engineer  
Russel Christensen, River Commissioner



GARY R. HERBERT  
Governor  
SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

### Division of Water Rights

MICHAEL R. STYLER  
Executive Director

KENT L. JONES  
State Engineer/Division Director

### BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>Clover Flat Irrigation Co.</p> <p>RESPONDENT</p>	<p>Clover Flat Irrigation Co.</p> <p>Black Pipeline Diversion</p> <p><b>MEASURING DEVICE NOTICE</b></p> <p><b>SEAA 2065</b></p> <p>DISTRIBUTION ACCOUNT: 102152</p> <p>WATER RIGHTS: 61-2055, 61-1681, 61-2817 &amp; 61-2078</p>
--	--

### I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-4 and in accordance with UTAH ADMIN. CODE R. 655-15.

U.C.A. § 73-5-4 states in part :

*(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, except as provided by Subsection (4), shall construct or install and maintain a measuring device at:*

- (a) each location where water is diverted from a source; and*
- (b) any other location required by the state engineer.*

...

- (3) The state engineer shall approve the design of:*
- (a) the measuring device;*

...

*(6) If a water user refuses or neglects to construct or install the measuring device after 30 days' notice to do so by the state engineer, the state engineer may:*

- (a) forbid the use of water until the user complies with the state engineer's requirement;*

August 29, 2016

Subject: Clover Flat Irrigation Co. – Black Pipeline Diversion

## II. STATEMENT OF FACTS

The Respondent diverts water from the Sevier River under the above-listed water rights through a head gate at the following location: North 312 feet and West 87 feet from the E4 Corner of Section 09, Township 31S, Range 2W, SL B&M

1. Water diverted here passes through a culvert, into an irrigation pipeline. Equitable distribution of water from the Sevier River requires that the respondent's diversion be equipped with a functional and accurate measuring device. April 27, 2016 the diversion was inspected and found to be lacking a measuring device.

## III. ACTIONS REQUIRED

1. An accurate measuring device must be installed at the Black Pipeline Diversion.
  - a. Water diverted here passes through a culvert and then into an irrigation pipeline. Suggestions for appropriate measuring devices include:
    - i. Ramp flume with stilling well. A settling pool or collection box to slow down the water should be in front of the flume.
    - ii. Collection basin divided by slide gate large enough to use as an undershot gate. Two stilling wells, one for each side of the collection box (upstream of the gate and downstream of the gate) are needed.
    - iii. A flow meter could be used, however the exposed pipe is not an acceptable location for a meter. A meter must be installed downstream of a 15 foot section of straight, smooth pipe. The pipeline must run completely full where the meter is.

**Water should not be diverted after October 8, 2016 unless the above action has been completed.** The orderly distribution of water from the Sevier River in accordance with existing water rights is a concern to Division as well as to the Respondent. To that end we appreciate and thank you for your cooperation. If you have any questions concerning this Notice please contact Sue Odekirk, Distribution Engineer at (801) 538-7431 or Russel Christensen, River Commissioner at (435) 979-2087.

Respectfully,



Sue Odekirk, P.E.

Sevier River Distribution Engineer

Page 3

August 29, 2016

Subject: Clover Flat Irrigation Co. – Black Pipeline Diversion

CERTIFICATE OF MAILING

I, the undersigned, certify that on this Dated this 30th day of August, 2016, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

Clover Flat Irrigation Company  
c/o Mr. Tim Westwood  
PO Box 120039  
Antimony, UT 84712-0039

USPS TRACKING #  
& CUSTOMER  
RECEIPT

**9114 9999 4423 8701 8652 47**  
For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.

A handwritten signature in cursive script, reading "Kelly Horne", is written over a horizontal line.

Kelly Horne  
Division of Water Rights  
Field Services Secretary

cc: Kirk Forbush, Russel Christensen, File